S97AA

26

Nos. 05-908 and 05-915

Supreme Court, U.S.
FILED
OCT 10 2006
OFFICE OF THE CLERK

In The
Supreme Court of the United States

PARENTS INVOLVED IN COMMUNITY SCHOOLS,
Petitioner,
v.
SEATTLE SCHOOL DISTRICT NO. 1 ET AL.,
Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

CRYSTAL D. MEREDITH, CUSTODIAL PARENT AND NEXT FRIEND OF JOSHUA RYAN McDONALD,
Petitioner,
v.
JEFFERSON COUNTY BOARD OF EDUCATION ET AL.,
Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

BRIEF OF PROFS. AMY STUART WELLS, JOMILLS HENRY BRADDOCK II, LINDA DARLING-HAMMOND, JAY P. HEUBERT, JEANNIE OAKES AND MICHAEL A. REBELL AND THE CAMPAIGN FOR EDUCATIONAL EQUITY AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS

KENNETH D. HEATH
Counsel of Record
GREGORY M. MCLAUGHLIN
ROBERT G. HUELIN
WIGGIN AND DANA LLP
One Century Tower
P.O. Box 1832
New Haven, CT 06508-1832
(203) 498-4400

Counsel for Amici Curiae

October 10, 2006

COCKLE LAW BRIEF PRINTING CO. (800) 225-6964
OR CALL COLLECT (402) 342-2831

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES iii

INTEREST OF *AMICI CURIAE* 1

SUMMARY OF ARGUMENT 2

ARGUMENT 5

I. Should the Court Apply Strict Scrutiny, Precedent Supports Finding a Compelling Interest in K-12 Racial Integration 6

II. Social Science Evidence Overwhelmingly Confirms the Compelling Benefits of Racially Integrated Elementary and Secondary Schools 8

A. Quantitative Research Has Demonstrated That Attending Integrated Schools Improves the Racial Attitudes and Life Opportunities of Students 10

B. Qualitative Research Confirms That K-12 Integration Enhances Students' Ability To Function and Succeed in a Diverse Workforce and Society 16

1. Graduates of Integrated Schools Learned How to Interact with People of Other Racial Backgrounds at School, and as Adults Are More Comfortable Around Such Persons Than Those Without an Integrated K-12 Experience 18

2. Graduates' Intergroup Skills Carry over into the Workplace, Benefiting Both Graduates and Their Employers 22

TABLE OF CONTENTS – Continued

Page

3. Exposure to Integration at the K-12 Level Is Critical 25

4. Despite the Difficulties of Attending an Integrated School, Graduates Overwhelmingly Agreed That the Experience Was "Worth It" 28

CONCLUSION 29

TABLE OF AUTHORITIES

Page

CASES

Adarand Constructors, Inc. v. Pena, 515 U.S. 200 (1995) 5

Brown v. Board of Education, 347 U.S. 483 (1954) .....*passim*

Comfort v. Lynn School Committee, 418 F.3d 1 (1st Cir. 2005) 5

Dayton Board of Education v. Brinkman, 433 U.S. 406 (1977) 6

Gratz v. Bollinger, 539 U.S. 244 (2003) 5

Green v. County School Board, 391 U.S. 430 (1968) 2

Grutter v. Bollinger, 539 U.S. 306 (2003) .....*passim*

Keyes v. School District No. 1, 413 U.S. 189 (1973) 6

Milliken v. Bradley, 418 U.S. 717 (1974) 3

Parents Involved in Community Schools v. Seattle School District No. 1, 426 F.3d 1162 (9th Cir. 2005) 5

Regents of the University of California v. Bakke, 438 U.S. 265 (1978) 3, 7

Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971) 2, 6, 30

BRIEFS

Brief for Petitioner, *Parents Involved in Community Schools v. Seattle School District No. 1* (No. 05-908) 5

TABLE OF AUTHORITIES – Continued

Page

Brief of David J. Armor et al. as *Amici Curiae* in Support of Petitioners, *Parents Involved in Community Schools v. Seattle School District No. 1* (No. 05-908) & *Meredith v. Jefferson County Board of Education* (No. 05-915) 15

SECONDARY SOURCES

GORDON W. ALLPORT, THE NATURE OF PREJUDICE 276 (1954) 8, 9

Sidney H. Aronson, *Review: The Nature of Prejudice*, 2 SOC. PROBS. 113 (1954) 9

Jomills Henry Braddock II, *The Perpetuation of Segregation Across Levels of Education: A Behavioral Assessment of the Contact-Hypothesis*, 53 SOC. EDUC. 178 (1980) 11, 12, 13

Jomills Henry Braddock II et al., *Applicant Race and Job Placement Decisions: A National Survey Experiment*, 6 INT'L J. SOC. & SOC. POL'Y 3 (1986) 11, 13

Jomills Henry Braddock II et al., *A Long-Term View of School Desegregation: Some Recent Studies of Graduates as Adults*, 66 PHI DELTA KAPPAN 259 (1984) 11

Jomills Henry Braddock II & James M. McPartland, *Assessing School Desegregation Effects: New Directions in Research*, 3 RES. SOC. EDUC. & SOCIALIZATION 259 (1982) 11

Jomills Henry Braddock II & James M. McPartland, *How Minorities Continue To Be Excluded from Equal Employment Opportunities: Research on Labor Market and Institutional Barriers*, 43 J. SOC. ISSUES 5 (1987) 11, 13

TABLE OF AUTHORITIES – Continued

Page

Robert L. Crain, *School Integration and Occupational Achievement of Negroes*, 75 AM. J. SOC. 593 (1970) 13

Robert L. Crain, *School Integration and the Academic Achievement of Negroes*, 44 SOC. EDUC. 1 (1971) 13

Robert L. Crain & Rita Mahard, *School Racial Compositions and Black College Attendance and Achievement Test Performance*, 51 SOC. EDUC. 81 (1978) 13

ROBERT L. CRAIN & JACK STRAUSS, SCHOOL DESEGREGATION AND BLACK OCCUPATIONAL ATTAINMENTS: RESULTS FROM A LONG-TERM EXPERIMENT (Ctr. for the Soc. Org. of Schs., Report No. 359, 1985) 13, 15

David M. Cutler et al., *The Rise and Decline of the American Ghetto*, 107 J. POL. ECON. 455 (1999) 9

Marvin P. Dawkins, *Black Students' Occupational Expectations: A National Study of the Impact of School Desegregation*, 18 URBAN EDUC. 98 (1983) 12

Marvin P. Dawkins & Jomills Henry Braddock II, *The Continuing Significance of Desegregation: School Racial Composition and African American Inclusion in American Society*, 63 J. NEGRO EDUC. 394 (1994) 11

W.E.B. DuBois, *Does the Negro Need Separate Schools?*, 4 J. NEGRO EDUC. 328 (1938) 13

SUSAN E. EATON, THE OTHER BOSTON BUSING STORY: WHAT'S WON AND LOST ACROSS THE BOUNDARY LINE (2001) ..... *passim*

TABLE OF AUTHORITIES – Continued

Page

William W. Falk, *Mobility Attitudes of Segregated and Desegregated Black Youths*, 47 J. NEGRO EDUC. 132 (1978) 12

STEVE FARKAS & JEAN JOHNSON, TIME TO MOVE ON: AFRICAN-AMERICAN AND WHITE PARENTS SET AN AGENDA FOR PUBLIC SCHOOLS 25 (1998) 26

John E. Farley & Gregory D. Squires, *Fences and Neighbors: Segregation in 21st Century America*, CONTEXTS, Winter 2005, at 33 9

Robert K. Gable et al., *The Effects of Voluntary School Desegregation on Occupational Outcomes*, 31 VOCATIONAL GUIDANCE Q. 230 (1983) 12

Mark S. Granovetter, *The Strength of Weak Ties*, 78 AM. J. SOC. 1360 (1973) 13

Jon W. Hoelter, *Segregation and Rationality in Black Status Aspiration Process*, 55 SOC. EDUC. 31 (1982) 12

Jennifer Jellison Holme et al., *Learning Through Experience: What Graduates Gained by Attending Desegregated High Schools*, 38 EQUITY & EXCELLENCE EDUC. 14 (2005) 16, 18

Julie E. Kaufman & James E. Rosenbaum, *The Education and Employment of Low-Income Black Youth in White Suburbs*, 14 EDUC. EVALUATION & POL'Y ANALYSIS 229 (1992) 13

RAYMOND W. MACK, OUR CHILDREN'S BURDEN: STUDIES OF DESEGREGATION IN NINE AMERICAN COMMUNITIES (1968) 9

TABLE OF AUTHORITIES – Continued

Page

James M. McPartland & Jomills Henry Braddock II, *Going to College and Getting a Good Job: The Impact of Desegregation*, *in* EFFECTIVE SCHOOL DESEGREGATION: EQUALITY, QUALITY AND FEASIBILITY 151 (Willis D. Hawley ed., 1981) 11, 12

Biren (Ratnesh) A. Nagda et al., *Looking Back as We Look Ahead: Integrating Research, Theory and Practice on Intergroup Relations*, 62 J. SOC. ISSUES 439 (2006) 8, 9

National Center for Education Statistics, U.S. Department of Education, *What Are the Enrollment Trends in Public and Private Elementary and Secondary Schools?*, http://nces.ed.gov/fastfacts/display.asp?id=65 (last visited Oct. 7, 2006) 8

NATIONAL CENTER FOR EDUCATION STATISTICS, U.S. DEPARTMENT OF EDUCATION, THE CONDITION OF EDUCATION 2006 IN BRIEF 5 (2006), *available at* http://nces.ed.gov/pubs2006/2006072.pdf (last visited Oct. 7, 2006) 8

Thomas F. Pettigrew, *Intergroup Contact Theory*, 49 ANN. REV. PSYCHOL. 65 (1998) 9

Tamara Towles-Schwen & Russell H. Fazio, *On the Origins of Racial Attitudes: Correlates of Childhood Experiences*, 27 PERSONALITY & SOC. PSYCHOL. BULL. 162 (2001) 9, 14, 15

U.S. Census Bureau, *Table 3: Educational Attainment of the Population 15 Years and Over, by Marital Status, Age, Sex, Race, and Hispanic Origin: 2003*, *at* http://www.census.gov/population/www/socdemo/education/cps2003/tab03-01.pdf (last modified June 29, 2004) 7

TABLE OF AUTHORITIES – Continued

Page

AMY STUART WELLS ET AL., BOTH SIDES NOW: THE STORY OF DESEGREGATION'S GRADUATES (Harvard Univ. Press, forthcoming Spring 2007) ..... *passim*

Amy Stuart Wells et al., *How Desegregation Changed Us: The Effects of Racially Mixed Schools on Students and Society*, http://www.tc.columbia.edu/desegregation (Mar. 30, 2004) 16

Amy Stuart Wells et al., *Refusing To Leave Desegregation Behind: A Study of Louisville and Seattle Graduates of Racially Diverse Public Schools* (submitted for review and publication Oct. 9, 2006) 1, 17

Amy Stuart Wells & Robert L. Crain, *Perpetuation Theory and the Long-Term Effects of School Desegregation*, 64 REV. EDUC. RES. 531 (1994) 11, 12, 13

Kenneth L. Wilson, *The Effects of Integration and Class on Black Educational Attainment*, 53 SOC. EDUC. 84 (1979) 13

Peter B. Wood & Nancy Sonleitner, *The Effect of Childhood Interracial Contact on Adult Antiblack Prejudice*, 20 INT'L J. INTERCULTURAL REL. 1 (1996) 14

INTERVIEWS

Interview by Amy Stuart Wells with Subject No. 3 (Aug. 22, 2006) 20

Interview by Terrenda White with Subject No. 5 (Sept. 12, 2006) 20

Interview by Amy Stuart Wells with Subject No. 8 (Sept. 10, 2006) 26

TABLE OF AUTHORITIES – Continued

Page

Interview by Jolena James-Szanton with Subject No. 10 (Sept. 12, 2006) 19

Interview by Amy Stuart Wells with Subject No. 17 (Aug. 22, 2006) 22, 25, 27

Interview by Amy Stuart Wells with Subject No. 22 (Sept. 14, 2006) 24, 25

Interview by Amy Stuart Wells with Subject No. 23 (Sept. 17, 2006) 22, 25

Interview by Jacquelyn Duran with Subject No. 26 (Sept. 15, 2006) 23, 27

Interview by Amy Stuart Wells with Subject No. 29 (Sept. 17, 2006) 19, 30

Interview by Amy Stuart Wells with Subject No. 31 (Aug. 31, 2006) 20

Interview by Terrenda White with Subject No. 33 (Sept. 7, 2006) 28

Interview by Jacquelyn Duran with Subject No. 34 (Sept. 7, 2006) 25

Interview by Amy Stuart Wells with Subject No. 36 (Sept. 9, 2006) 22

Interview by Jacquelyn Duran with Subject No. 37 (Sept. 8, 2006) 20

Interview by Terrenda White with Subject No. 41 (Sept. 13, 2006) 24

INTEREST OF *AMICI CURIAE*[1]

The individual *amici* are: Amy Stuart Wells, Professor of Sociology and Education at Teachers College, Columbia University; Jomills Henry Braddock II, Professor of Sociology at the University of Miami; Linda-Darling Hammond, Charles E. Ducommun Professor of Education at Stanford University; Jay Heubert, Professor of Law and Education at Teachers College, Columbia University; Jeannie Oakes, Presidential Professor in Educational Equity at the University of California, Los Angeles; and Michael A. Rebell, Professor of Law and Educational Practice at Teachers College, Columbia University. All have conducted research and written widely on issues concerning race and education. *Amici*'s qualifications are listed in the Appendix.

The Campaign for Educational Equity at Teachers College, Columbia University seeks to promote excellence in education and to overcome the gap in educational access and achievement between advantaged and disadvantaged students throughout the United States. The Campaign is committed to strengthening the movement for quality public education by providing research-based analysis of key education policy issues and demonstrations of improved policy and practice.

Amici present a wealth of evidence regarding the positive, long-term benefits of K-12 integration for students and society.[2] Should the Court determine that the

---

[1] This brief supports the Respondents in Nos. 05-908 and 05-915. Pursuant to Rule 37.3(a), the parties have consented to the filing of all *amicus* briefs. No party or its counsel authored this brief in whole or in part, and no person or entity other than *amici*, their members or their counsel made a monetary contribution to the preparation and submission of this brief. The individual *amici* appear in their personal capacities and do not intend to convey the views of their affiliated institutions on the questions presented. The Campaign for Educational Equity similarly appears on its own behalf and does not necessarily convey the views of Teachers College or Columbia University.

[2] In considering the benefits of diversity in higher education, the Court has relied on social science evidence presented by *amici curiae*, including evidence outside the record. *Grutter v. Bollinger*, 539 U.S. 306, 330 (2003).

Seattle and Louisville school assignment plans must survive strict scrutiny, this research establishes that school districts have a compelling interest in promoting racial integration in elementary and secondary schools.

SUMMARY OF ARGUMENT

The purpose of *Brown v. Board of Education* – so simple and yet so remarkable – was to end "root and branch" the forced separation of the races in elementary and secondary education. *Green v. County Sch. Bd.*, 391 U.S. 430, 438 (1968). The *Brown* Court based its watershed rejection of "separate but equal" on the undeniable evidence of the profound, lifelong effects of segregation on African American students. *Brown v. Board of Educ.*, 347 U.S. 483, 494 & n.11 (1954). This research led the Court to conclude, rightly, that the years children spend in K-12 education are critical, and that segregation during these years "may affect their hearts and minds in a way unlikely ever to be undone." *Id.* at 494. That conclusion inexorably led to the Court's holding that segregation deprived African American students of equal protection of the laws. *Id.* at 495. It also gave rise to a new hope: that exposure to integrated settings early in life would improve opportunities for all students, break the cycle of racial separation in the United States, and yield generations of Americans more apt to construct an equal, open society.

Decades of social science research have vindicated that promise, demonstrating that *Brown*'s purpose remains vital. That purpose will erode substantially if, as Petitioners contend, school districts cannot safeguard the integrated setting *Brown* recognized as crucial. Petitioners challenge the Seattle and Louisville plans as racial classifications that must satisfy strict scrutiny by furthering a compelling interest. *Amici* note, however, that the plans are not the kind of race-based policies that treat people of different races differently and therefore trigger strict scrutiny; rather, the plans are the kind of local, positive integration effort that the Court expressly has endorsed. *See Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 16 (1971).

Should this Court nevertheless apply strict scrutiny, it should hold that school districts have a compelling interest in ensuring that K-12 schools are racially integrated. In past cases, the Court has recognized the numerous benefits of integrated educational environments, which help foster the robust exchange of ideas essential to academic inquiry, *Regents of the Univ. of Cal. v. Bakke*, 438 U.S. 265, 312 (1978) (Powell, J.), and better prepare students for work and citizenship, *Grutter v. Bollinger*, 539 U.S. 306, 330 (2003). The Court also has emphasized the pivotal role of education in "maintaining the fabric of society." *Id.* at 331. These considerations "apply with added force to children in grade and high schools," *Brown*, 347 U.S. at 494, but a constitutional barrier to voluntary integration will mean, in many districts, that students of different races may never occupy the same classroom. That outcome would be catastrophic: "[U]nless our children begin to learn together, there is little hope that our people will ever learn to live together." *Milliken v. Bradley*, 418 U.S. 717, 783 (1974) (Marshall, J., dissenting).

These were not just rhetorical flourishes by past Courts and Justices, nor is the support for a compelling interest in K-12 integration limited to theoretical musings. The precedents reflect and are confirmed by decades of social science research – both quantitative, survey-based research and qualitative, in-depth interview-based studies – on the long-term individual and societal benefits of integrated education. The research demonstrates, at least in the context of K-12 schools, that school districts have a compelling interest in promoting integrated education.

The research shows, *first*, that there is a significant difference between higher education and K-12 education when it comes to fostering the intergroup-relations skills needed to function in a diverse society and global economy. Because *all* children must attend elementary and secondary schools, the potential mix of students in these schools is more diverse than in college, where student access often is limited by prior achievement and ability to pay. Moreover, cross-racial understanding develops more easily and more completely in younger minds than it does even in early adulthood. Students who attend integrated schools

before entering higher education or the workforce are more likely to function effectively in diverse settings as adults. By comparison, their peers who lack similar childhood experiences frequently are less comfortable and function less effectively with people of different racial backgrounds.

Second, there are profound long-term benefits for students who attend a racially mixed public school. As noted above, integrated school experiences better prepare students to function in the complex, multicultural world that they will inherit. Many beneficiaries of integrated K-12 education attribute their success in the workplace to their ability to interact with co-workers and clients of different cultural backgrounds; by learning to adapt to diverse environments when they are young, students enjoy increased life opportunities as adults. In this regard, it bears note that the Court recently expressed the view that in twenty-five years affirmative action should no longer be necessary. *Grutter*, 539 U.S. at 343. Because K-12 integration improves the future life chances and job effectiveness of students, barring positive integration efforts like those in Seattle and Louisville will undermine rather than accelerate progress toward that goal.

Third, and strongly related to the above points, the personal benefits for students who attend integrated K-12 schools translate into *societal* benefits. The development of intergroup-relations skills helps ease the potential tensions inherent in our increasingly diverse democracy and improves the strategic position of U.S. corporations within the global economy. School districts that fail to promote integration at the elementary and high school level are thus doing their local constituents *and* the larger society a disservice.

The research supporting these findings has unfolded in phases. The original body of research on the long-term effects of integration was survey-based and focused on the life opportunities of African American graduates of desegregated schools. More recent quantitative and qualitative research has broadened this inquiry to examine how attending an integrated school affects the racial attitudes and life opportunities of students of all races. The qualitative

research includes one study of particular relevance here – extensive interviews of graduates of integrated high schools in Louisville and Seattle. Together, the research demonstrates that the long-term benefits of integration not only flow to all students regardless of race but also carry over to improve the health of our economy and our democracy. In light of these benefits, school districts clearly have a compelling interest in fostering integration in K-12 education.

ARGUMENT

Petitioners begin from the premise that the Seattle and Louisville plans are "presumptively invalid" racial classifications that must survive strict scrutiny. Brief for Pet'r at 23, *Parents Involved in Cmty. Schs.* ["*PICS*"] *v. Seattle Sch. Dist. No. 1* (No. 05-908). They then argue, among other things, that the plans fail the threshold test of strict scrutiny because there is no compelling interest supporting voluntary, as opposed to judicially enforced, K-12 integration. *Id.* at 33-38; *cf. Gratz v. Bollinger*, 539 U.S. 244, 270 (2003) (stating the requirements of strict scrutiny) (citing *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 227 (1995)).

At the outset, *amici* note that Petitioners' premise is faulty. The Seattle and Louisville plans are not affirmative-action programs such as those at issue in *Gratz* and *Adarand*, and thus warrant only rationality review rather than strict scrutiny.[3] But even assuming that strict scrutiny

---

[3] The plans are "'fundamentally different from almost anything that the Supreme Court has previously addressed'" under strict scrutiny. *PICS v. Seattle Sch. Dist. No. 1*, 426 F.3d 1162, 1193 (9th Cir. 2005) (en banc) (Kozinski, J., concurring) (quoting *Comfort v. Lynn Sch. Comm.*, 418 F.3d 1, 27 (1st Cir. 2005) (en banc) (Boudin, C.J., concurring)). The plans do not prefer one racial group over another, but merely assign students noncompetitively to schools within their respective districts: "That a student is denied the school of his choice may be disappointing, but it carries no racial stigma and says nothing at all about that individual's aptitude or ability. The program[s] do[ ] use race as a criterion, but only to ensure that the population of each public school roughly reflects the city's racial composition." *Id.* at 1194. Each

(Continued on following page)

applies, the Seattle and Louisville plans further the compelling interest of local school districts in fostering integrated educational environments for K-12 students. This conclusion flows not only from judicial precedents but also from decades of social science research demonstrating that all students, regardless of race, experience lifelong benefits from attending integrated schools that, in turn, yield economic and social benefits for the United States. Given the unique importance of K-12 public education and the incontestable benefits of integrated schools, the Court should have no reluctance in holding that Respondents' plans further a compelling interest.

I. Should the Court Apply Strict Scrutiny, Precedent Supports Finding a Compelling Interest in K-12 Racial Integration.

Brown rejected "separate but equal" in part because of the long-term negative effects of forced segregation on African American students. *See* 347 U.S. at 493-94 ("To separate them from others of similar age and qualifications

---

plan thus is nothing more, and nothing less, than a proper exercise of local authority to promote integration. *See Dayton Bd. of Educ. v. Brinkman*, 433 U.S. 406, 410 (1977) ("[L]ocal autonomy of school districts is a vital national tradition."). The Court previously has endorsed this kind of local, positive integration effort:

> School authorities are traditionally charged with broad power to formulate and implement educational policy and might well conclude . . . that in order to prepare students to live in a pluralistic society, each school should have a prescribed ratio of Negro to white students reflecting the proportion for the district as a whole. To do this as an educational policy is within the broad discretionary powers of school authorities . . . .

Swann v. Charlotte-Mecklenburg Bd. of Educ., 402 U.S. 1, 16 (1971); *see also Keyes v. School Dist. No. 1*, 413 U.S. 189, 242 (1973) (Powell, J., concurring) ("Nothing in this opinion is meant to discourage school boards from exceeding minimal constitutional standards in promoting the values of an integrated school experience."). The Court, therefore, may affirm on the basis of the districts' plainly rational purpose in safeguarding integration.

solely because of their race generates a feeling of inferiority as to their status in their community that may affect their hearts and minds in a way unlikely ever to be undone."). The continued racial segregation of many public schools suggests that *Brown*'s promise of equal educational opportunity remains unfulfilled, even if *de jure* segregation is no longer the proximate cause. Indeed, the Court's jurisprudence has evolved to offer a positive justification for promoting K-12 integration rather than simply a negative reason to undo *de jure* segregation.

In the context of university admissions, the Court has recognized the compelling benefits of racial diversity. Almost thirty years ago, Justice Powell noted that diversity helps promote the "robust exchange of ideas" essential to academic inquiry. *Bakke*, 438 U.S. at 312 (Powell, J.) (internal quotation marks and citation omitted). The Court recently adopted Justice Powell's diversity rationale, recognizing that a diverse educational environment improves "cross-racial understanding, help[ing] to break down racial stereotypes." *Grutter*, 539 U.S. at 330 (internal quotation marks and citations omitted). The result is a learning environment that "'better prepares students for an increasingly diverse workforce and society, and better prepares them as professionals.'" *Id.* (quoting Brief for Am. Educ. Res. Ass'n et al. as *Amici Curiae* at 3). Diversity thus contributes to the "pivotal" role of education in "preparing students for work and citizenship" and "maintaining the fabric of society." *Id.* at 331.

If diversity in *higher* education has value, then these concerns operate even more strongly in the context of K-12 integration. As the Court recognized in *Brown*, the K-12 years are a critical formative period in the development of young minds and future citizens. *See* 347 U.S. at 494. Demographics also confirm the point: While less than 43 percent of all 18-24-year olds in the United States are enrolled in college or have earned a postsecondary degree,[4]

---

[4] *See* U.S. Census Bureau, *Table 3: Educational Attainment of the Population 15 Years and Over, by Marital Status, Age, Sex, Race, and Hispanic Origin: 2003*, *at* http://www.census.gov/population/www/socdemo/education/cps2003/tab03-01.pdf (last modified June 29, 2004).

the American public education system serves almost 90 percent of the school-age population.[5] Meanwhile, the K-12 student population is becoming more diverse every year. In the 2004-05 school year, only 57 percent of students enrolled in public schools were white, down from 78 percent thirty years ago.[6] Children enrolled in public schools today will grow up in a society that is far more diverse culturally and racially than the environment of their parents. Learning to function effectively within an integrated environment, therefore, is one of the most important lessons schools can teach our next generation of leaders, workers, parents and community members.

II. Social Science Evidence Overwhelmingly Confirms the Compelling Benefits of Racially Integrated Elementary and Secondary Schools.

In his ground-breaking work *The Nature of Prejudice*, published just months before *Brown*, Gordon W. Allport argued that prejudice arises and persists in the absence of meaningful contact among people with disparate racial backgrounds. Allport "challenged the notion that simple encounters among different people would be sufficient to reduce prejudice."[7] Instead, he wrote, "contact must reach below the surface. . . . Only the type of contact that leads people to *do* things together is likely to result in changed attitudes."[8] Allport's "contact hypothesis" predicted that certain situational conditions would be necessary for intergroup contact to reduce prejudice: (1) equal status of

---

[5] Nat'l Ctr. for Educ. Stats., U.S. Dep't of Educ., *What Are the Enrollment Trends in Public and Private Elementary and Secondary Schools?*, http://nces.ed.gov/fastfacts/display.asp?id=65 (last visited Oct. 7, 2006) (citations omitted).

[6] *See* NAT'L CTR. FOR EDUC. STATS., U.S. DEP'T OF EDUC., THE CONDITION OF EDUCATION 2006 IN BRIEF 5 (2006), *available at* http://nces.ed.gov/pubs2006/2006072.pdf (last visited Oct. 7, 2006).

[7] Biren (Ratnesh) A. Nagda et al., *Looking Back as We Look Ahead: Integrating Research, Theory and Practice on Intergroup Relations*, 62 J. SOC. ISSUES 439, 440 (2006).

[8] GORDON W. ALLPORT, THE NATURE OF PREJUDICE 276 (1954).

group participants; (2) common goals that transcend differences; (3) an atmosphere in which cooperation outweighs competition; and (4) support for intergroup contact from authority, law or custom.[9] As others noted, given the segregated nature of U.S. housing,[10] this kind of contact was most likely to occur in an institution like the public school.[11] Indeed, Allport believed that intergroup contact among school-age children would be highly effective in overcoming prejudice.[12] Early integration, he argued, would give students a comfort level with people of different backgrounds that would yield lifelong benefits.[13]

The arrival of desegregation provided nearly ideal conditions for testing Allport's contact hypothesis. With decades of data, social scientists have confirmed its validity, particularly as it pertains to the *long-term* effects of integrated public education. Policy makers and courts often focus on the short-term outcomes of desegregation, such as student achievement and young students' racial attitudes. But adult graduates of integrated schools – and the researchers who study them – are better able to assess the lifelong impact of integrated educational experiences on students and society. It is only after these graduates have gone to college or into the workforce that they fully

---

[9] Thomas F. Pettigrew, *Intergroup Contact Theory*, 49 ANN. REV. PSYCHOL. 65, 66-67 (1998); *see also* ALLPORT, *supra* note 8, at 276; Nagda et al., *supra* note 7, at 440.

[10] *See* David M. Cutler et al., *The Rise and Decline of the American Ghetto*, 107 J. POL. ECON. 455 (1999); John E. Farley & Gregory D. Squires, *Fences and Neighbors: Segregation in 21st Century America*, CONTEXTS, Winter 2005, at 33, 34.

[11] Sidney H. Aronson, *Review: The Nature of Prejudice*, 2 SOC. PROBS. 113, 114 (1954); *see generally* RAYMOND W. MACK, OUR CHILDREN'S BURDEN: STUDIES OF DESEGREGATION IN NINE AMERICAN COMMUNITIES (1968).

[12] ALLPORT, *supra* note 8, at 510-11.

[13] *Id.* at 310, 511; *see also* Tamara Towles-Schwen & Russell H. Fazio, *On the Origins of Racial Attitudes: Correlates of Childhood Experiences*, 27 PERSONALITY & SOC. PSYCHOL. BULL. 162 (2001).

appreciate how integration made it much easier for them to live and work in a diverse democracy.[14]

Early quantitative long-term effects research focused on African American students' life opportunities and racial attitudes, and found that graduates of integrated schools were more likely as adults to enter into, and thrive in, integrated college, work and social environments. More recent quantitative research has broadened the inquiry to examine the racial attitudes of all graduates who experienced K-12 integration; it confirms that, even controlling for other relevant factors such as family background, integrated schooling has a direct, significant effect in improving graduates' racial attitudes and ability to interact with persons of other races. Qualitative, in-depth interview-based research has examined *how* integrated education helps bring about these outcomes. Comprehensive nationwide case studies – including studies of Louisville and Seattle public school graduates – make clear that the simple act of "being there" in an integrated environment on a daily basis yields benefits that students carry throughout their lives, particularly in their ability to function in a diverse society and competitive economy. These findings demonstrate the compelling interest in safeguarding K-12 integration.

A. Quantitative Research Has Demonstrated That Attending Integrated Schools Improves the Racial Attitudes and Life Opportunities of Students.

Early Quantitative Analyses. The first studies of the long-term effects of school integration were quantitative analyses of survey and other outcome data from

---

[14] *See* SUSAN E. EATON, THE OTHER BOSTON BUSING STORY: WHAT'S WON AND LOST ACROSS THE BOUNDARY LINE 37 (2001); AMY STUART WELLS ET AL., BOTH SIDES NOW: THE STORY OF DESEGREGATION'S GRADUATES (Harvard Univ. Press, forthcoming Spring 2007) (manuscript at 247, on file with Wells).

African American graduates of desegregated schools.[15] The research showed that African American graduates of integrated K-12 schools were more confident in their ability to navigate racially diverse settings.[16] As adults, these graduates tended to move into more racially integrated settings and, consequently, experienced enhanced social mobility.[17] According to one review of long-term effects literature, African American students' experiences in racially diverse public schools "provide[d] the socialization for aspirations and entrance to higher[-]level occupations, development of the interpersonal skills useful in interracial contexts, and reduced social inertia leading to increased tolerance and willingness to participate in desegregated environments."[18]

This research supports Braddock's "perpetuation theory,"[19] which explains why segregation tends to repeat

---

[15] Amy Stuart Wells & Robert L. Crain, *Perpetuation Theory and the Long-Term Effects of School Desegregation*, 64 REV. EDUC. RES. 531 (1994); *see also* Jomills Henry Braddock II & James M. McPartland, *Assessing School Desegregation Effects: New Directions in Research*, 3 RES. SOC. EDUC. & SOCIALIZATION 259 (1982); Jomills Henry Braddock II et al., *A Long-Term View of School Desegregation: Some Recent Studies of Graduates as Adults*, 66 PHI DELTA KAPPAN 259 (1984); Marvin P. Dawkins & Jomills Henry Braddock II, *The Continuing Significance of Desegregation: School Racial Composition and African American Inclusion in American Society*, 63 J. NEGRO EDUC. 394 (1994).

[16] *See* Wells & Crain, *supra* note 15; *see also, e.g.*, Jomills Henry Braddock II, *The Perpetuation of Segregation Across Levels of Education: A Behavioral Assessment of the Contact-Hypothesis*, 53 SOC. EDUC. 178 (1980).

[17] *See* Dawkins & Braddock, *supra* note 15; Wells & Crain, *supra* note 15; *see also* Jomills Henry Braddock II et al., *Applicant Race and Job Placement Decisions: A National Survey Experiment*, 6 INT'L J. SOC. & SOC. POL'Y 3 (1986); Jomills Henry Braddock II & James M. McPartland, *How Minorities Continue To Be Excluded from Equal Employment Opportunities: Research on Labor Market and Institutional Barriers*, 43 J. SOC. ISSUES 5 (1987).

[18] Dawkins & Braddock, *supra* note 15, at 395-96.

[19] *See generally* Braddock, *supra* note 16; James M. McPartland & Jomills Henry Braddock II, *Going to College and Getting a Good Job:*

(Continued on following page)

itself "across the stages of the life cycle and across institutions when individuals have not had sustained experiences in desegregated settings earlier in life."[20] It posits that segregated groups will tend to overestimate the degree of hostility they will encounter in integrated settings or underestimate their skill at coping with interracial tensions.[21] Consequently, segregated groups will avoid integration, thereby perpetuating segregation.

In a review of twenty-one early long-term effects studies, Wells and Crain[22] found demonstrable support for both the contact hypothesis and perpetuation theory. By analyzing outcome data across the studies, they showed that African American graduates of racially mixed schools were much more likely than their segregated peers to make choices that placed them in integrated and, in some circumstances, more advantageous environments. They also found that graduates of integrated schools generally had higher – but also more realistic, given their prior educational achievement – occupational aspirations than graduates of segregated schools.[23] These findings underscored the importance of access to the kinds of occupational

---

The Impact of Desegregation, *in* EFFECTIVE SCHOOL DESEGREGATION: EQUALITY, QUALITY AND FEASIBILITY 151 (Willis D. Hawley ed., 1981).

[20] McPartland & Braddock, *supra* note 19, at 149.

[21] Braddock, *supra* note 16, at 181.

[22] Wells & Crain, *supra* note 15.

[23] *Id.*; *see also* Marvin P. Dawkins, *Black Students' Occupational Expectations: A National Study of the Impact of School Desegregation*, 18 URBAN EDUC. 98 (1983); William W. Falk, *Mobility Attitudes of Segregated and Desegregated Black Youths*, 47 J. NEGRO EDUC. 132 (1978); Robert K. Gable et al., *The Effects of Voluntary School Desegregation on Occupational Outcomes*, 31 VOCATIONAL GUIDANCE Q. 230 (1983). The evidence was stronger as to the finding regarding realism than to optimism; one of the four studies that addressed this issue found African Americans who attended racially diverse schools to have slightly lower occupational expectations. *See* Jon W. Hoelter, *Segregation and Rationality in Black Status Aspiration Process*, 55 SOC. EDUC. 31 (1982).

information that then flowed through predominantly white institutions and networks.[24]

Wells and Crain also found that, controlling for key variables such as social class and test scores, African American graduates of desegregated high schools were more likely to attend predominantly white universities.[25] They completed more years of education, earned higher degrees and majored in more "nontraditional" occupations than graduates of all-black schools.[26] Similarly, they were more likely to have racially diverse social and professional networks, and they were more likely to work in professional jobs in integrated corporations and institutions.[27] Each outcome translated into enhanced social mobility and income.

Recent Quantitative Work. While early studies focused on the life chances of African Americans, more recent work has broadened the inquiry to include the

---

[24] *See, e.g.*, W.E.B. DuBois, *Does the Negro Need Separate Schools?*, 4 J. NEGRO EDUC. 328 (1938); Mark S. Granovetter, *The Strength of Weak Ties*, 78 AM. J. SOC. 1360 (1973).

[25] Wells & Crain, *supra* note 15. This set of studies included, most notably, Braddock, *supra* note 16, but also Robert L. Crain, *School Integration and the Academic Achievement of Negroes*, 44 SOC. EDUC. 1 (1971); Julie E. Kaufman & James E. Rosenbaum, *The Education and Employment of Low-Income Black Youth in White Suburbs*, 14 EDUC. EVALUATION & POL'Y ANALYSIS 229 (1992); and Kenneth L. Wilson, *The Effects of Integration and Class on Black Educational Attainment*, 53 SOC. EDUC. 84 (1979).

[26] *See* Robert L. Crain & Rita Mahard, *School Racial Compositions and Black College Attendance and Achievement Test Performance*, 51 SOC. EDUC. 81 (1978). There was one exception to this finding: Crain and Mahard found that, in the South, African American graduates of desegregated schools were slightly less likely to attend college or earn a college degree. The opposite was true in the North.

[27] Wells & Crain, *supra* note 15. This set of studies included, most notably, ROBERT L. CRAIN & JACK STRAUSS, SCHOOL DESEGREGATION AND BLACK OCCUPATIONAL ATTAINMENTS: RESULTS FROM A LONG-TERM EXPERIMENT (Ctr. for the Soc. Org. of Schs., Report No. 359, 1985); Braddock et al., *supra* note 17; Braddock & McPartland, *supra* note 17; and Robert L. Crain, *School Integration and Occupational Achievement of Negroes*, 75 AM. J. SOC. 593 (1970).

racial attitudes of students of *all* races. It confirms that improvements in racial attitudes and intergroup skills are not limited to African American attendees of integrated schools.

Wood and Sonleitner[28] examined whether "equal-status contact"[29] in a school environment, "particularly during the formative years, would engender more positive racial attitudes among young persons that would endure into adulthood."[30] Analyzing survey data from 292 white adults in Oklahoma City, they found that school-age interracial interaction not only "disconfirmed negative racial stereotypes, but had a direct, significant effect on levels of adult antiblack prejudice *even controlling for other relevant factors*" such as family income and education level.[31] Their findings were especially significant because they included a control group of white adults who had experienced little childhood exposure to African Americans.[32]

Towles-Schwen and Fazio also studied adult racial attitudes as they related to childhood contact with other racial or ethnic groups. They asked undergraduates at a large Midwestern public university to match judgmental adjectives – e.g., "good" or "bad" – to pictures of faces of African Americans and members of other minority groups. The study included as independent variables the subjects' degree of contact with members of other races in elementary, middle and high school, as well as their parents' racial attitudes.[33] There was a direct, significant

---

[28] Peter B. Wood & Nancy Sonleitner, *The Effect of Childhood Interracial Contact on Adult Antiblack Prejudice*, 20 INT'L J. INTERCULTURAL REL. 1 (1996).

[29] *Id.* at 1 (noting equal-status contact as one of Allport's four conditions for contact that ameliorates prejudice).

[30] *Id.*

[31] *Id.* (emphasis added).

[32] *Id.*

[33] Towles-Schwen & Fazio, *supra* note 13, at 162-67.

correlation between the frequency of childhood intergroup interaction and positive racial attitudes[34] – and the earlier the interaction, the better the student's attitude.[35] The study also concluded that childhood interactions had the potential to ameliorate or negate parental influence: "[E]arly positive experiences with Blacks are critical to overcome the awkwardness and anxiety felt by people whose parents are prejudiced."[36]

This research provides empirical, statistically significant evidence that multiracial exposure in elementary and secondary schools enhances the life opportunities of students, helps break the cycle of segregation, and negates prejudice and stereotypes.[37]

---

[34] *Id.* at 167 ("[R]espondents who reported more positive interactions with Blacks in high school had significantly more positive attitudes . . . .").

[35] *See id.* at 171-72.

[36] *Id.* at 170-71.

[37] Some have criticized this research because of the potential for "self-selection" bias. Brief of David J. Armor et al. as *Amici Curiae* in Support of Pet'rs at 22, *PICS v. Seattle Sch. Dist. No. 1* (No. 05-908) & *Meredith v. Jefferson County Bd. of Educ.* (No. 05-915) (arguing that study subjects were more likely to come from families who were more open to integration in the first place, and that therefore the long-term effects might be the result of factors other than integrated schooling). Many early researchers, however, employed strong control variables, including parents' racial attitudes, to tease out the impact of desegregated schools. *E.g.*, Towles-Schwen & Fazio, *supra* note 13, at 162-67. In addition, Crain and Strauss examined students who had been selected randomly to participate in an integration plan and compared their outcomes to those who were not selected. CRAIN & STRAUSS, *supra* note 27. This study, free of any self-selection bias, demonstrated that African American participants were more likely to go to college, and that female participants who did not go to college were much more likely to be working with mostly white co-workers in higher-status jobs. Finally, the overwhelming preponderance of the evidence, across a wide variety of studies, so favors the Allport hypothesis as to minimize any self-selection concerns.

B. Qualitative Research Confirms That K-12 Integration Enhances Students' Ability To Function and Succeed in a Diverse Workforce and Society.

Several important qualitative studies have expanded upon the quantitative analyses discussed above by examining the *how* and *why* behind the positive outcomes that result from integrated education. In the late 1990s, Eaton conducted in-depth interviews of sixty-five African American graduates of METCO, a voluntary transfer program that assigned urban Boston students to predominantly white, affluent suburban schools.[38] From 1999 to 2004, Wells, Holme, Revilla and Atanda ("Wells et al.") performed a second analysis[39] consisting of in-depth case studies of six high schools across the country that had undergone desegregation by the late 1970s.[40] Most recently, Wells led a third qualitative study using in-depth interviews of adults who graduated from integrated public schools in Seattle and Louisville in the mid-1980s.[41]

---

[38] EATON, *supra* note 14.

[39] WELLS ET AL., *supra* note 14; *see also* Jennifer Jellison Holme et al., *Learning Through Experience: What Graduates Gained by Attending Desegregated High Schools*, 38 EQUITY & EXCELLENCE EDUC. 14 (2005); Amy Stuart Wells et al., *How Desegregation Changed Us: The Effects of Racially Mixed Schools on Students and Society*, http://www.tc.columbia.edu/desegregation (Mar. 30, 2004).

[40] The study involved, among other things, interviews of 242 graduates of six high schools that were integrated by the 1970s: John Muir (California), Topeka (Kansas), Dwight Morrow (New Jersey), West Charlotte (North Carolina), Shaker Heights (Ohio) and Austin (Texas). The interviewees – 135 whites, 79 African Americans, and 21 Latinos – were sampled carefully to reflect a wide range of experiences and characteristics (e.g., racial/ethnic identity, family background, neighborhoods of residence, school achievement and extracurricular involvement). The only constant across all graduates was their attendance at racially diverse high schools in the late 1970s. As a result, the correlation between their school experiences, their level of intergroup understanding and their future opportunities is highly significant and profound.

[41] Through a grant from the Ford Foundation, Amy Stuart Wells, Jacquelyn Duran, Terrenda White, Jolena James-Szanton and Jennifer

(Continued on following page)

These graduates almost universally reported that the value of their experiences in integrated schools became all the more apparent *after* they had graduated: Most respondents said that it was only when they got to college or the workplace that they realized what they had learned *vis-à-vis* those who had not attended integrated schools. Compared to these peers, the graduates said, they were more open-minded, less prejudiced, and less fearful of other races. Many graduates said that, because of their altered worldviews, they were far better prepared for life in a global economy and more adept at reaching across cultures and nationalities on the job, and they attributed these skills to their experiences in integrated schools. These studies, therefore, demonstrate that graduates of integrated schools carry benefits from their experiences throughout their lives, particularly in their ability to function in a diverse society and in a highly competitive global economy, when compared to graduates of more segregated schools.

Jellison Holme interviewed forty-two graduates of the 1985 and 1986 classes of Central, Fern Creek and Louisville Male High Schools in Louisville, and Franklin, Garfield and Ingraham High Schools in Seattle. The schools were selected based on their varied locations in the two districts and the consequent breadth of student backgrounds and experiences at each school in the mid-1980s. Graduates were sampled randomly, either from lists of all graduates provided by reunion organizers (Louisville) or from lists of graduates who responded to e-mail messages sent out by alumni association members seeking participants for the study (Seattle). Nineteen of the interviewees were from Louisville, and twenty-three were from Seattle. Twenty-two respondents were white, fourteen were African American, four were Asian/Pacific Islanders and two were of mixed race. The findings reported here were the most robust and salient experiences of graduates according to data coded from the six schools. While the brief necessarily quotes selected statements, each quote is representative of many statements from other graduates. The authors have submitted the study for publication with the *Teachers College Record*, a refereed scholarly journal. *See* Amy Stuart Wells et al., *Refusing To Leave Desegregation Behind: A Study of Louisville and Seattle Graduates of Racially Diverse Public Schools* (submitted Oct. 9, 2006) (manuscript on file with Wells).

1. Graduates of Integrated Schools Learned How To Interact with People of Other Racial Backgrounds at School, and as Adults Are More Comfortable Around Such Persons Than Those Without an Integrated K-12 Experience.

A transcendent theme that emerges from all three studies is that graduates of integrated schools are far more *accepting of* and *comfortable with* people of other racial backgrounds than those who lack an integrated K-12 experience. METCO graduates reported that they were far more comfortable in diverse or predominantly white settings than their friends or family members.[42] The Wells et al. interviewees reported similar comfort levels that, they said, resulted from firsthand experiences that ran counter to racial stereotypes.[43] White graduates emphasized how their experiences in integrated high schools had made them more accepting of people of other racial backgrounds, particularly African Americans and Latinos, than other white people they knew.[44] African American interviewees noted that they felt less intimidated by, fearful of or subservient toward white people.[45] For all but a small handful of graduates, just "being there" in integrated schools left them with a fundamentally altered worldview.[46]

The Seattle/Louisville interviews yielded similar results. Graduates recalled some intra-school division by race, but most noted that cross-racial friendships were not uncommon and that diverse cliques formed on a regular basis, particularly in connection with athletics and extracurricular activities. One graduate of Seattle's Garfield High School spoke for many of the interviewees when he identified extracurricular activities as opportunities for

---

[42] EATON, *supra* note 14, at 19.

[43] WELLS ET AL., *supra* note 14 (manuscript at 245).

[44] *Id.* (manuscript at 259-64).

[45] *Id.* (manuscript at 267-70); *see also* Holme et al., *supra* note 39.

[46] Holme et al., *supra* note 39, at 18.

members of different races to participate on equal footing: "There's a camaraderie that builds rather quickly when you play sports or if you're part of a band or whatever. That seems to be the tangible thing that really breaks down the racial barrier . . . ."[47] The same graduate, echoing the sentiments of his peers from both cities, noted feeling "stronger" and "more confident" by virtue of experiencing an integrated school environment: "I think I'm a stronger person for having dealt with such a diverse background and having friends of all different backgrounds . . . . I feel definitely more confident every day that I walk around in any kind of area."[48]

In African American graduates, this "strength" and "confidence" manifested itself in a sense of efficacy in predominantly white settings. As an African American graduate of Louisville's Fern Creek High School explained, the "beauty" of attending desegregated schools is that "it makes you a much more well-rounded person, because you learn about other people . . . . And the great thing now is that . . . I have friends from so many different cultures, and I could just about talk to anyone and I have no fear."[49]

Lessons Learned Only at School. Interviewees in both Wells studies, but particularly in Louisville and Seattle, uniformly attributed their development of intergroup skills almost exclusively to their experiences in integrated schools. A white graduate of Central High in Louisville explained that, had her schools not embraced racial diversity, she would have grown up in an all-white environment and "would have been much more apprehensive about people . . . not just African Americans, but of any other race. [T]here would never [have been] any reason for me to have a lot of interaction with anyone who

---

[47] Interview by Amy Stuart Wells with Subject No. 29 (Sept. 17, 2006) (transcript on file with Wells).

[48] *Id.*

[49] Interview by Jolena James-Szanton with Subject No. 10 (Sept. 12, 2006) (transcript on file with Wells).

wasn't middle-class and white."[50] One of her African American classmates described her neighborhood as almost exclusively black: "I think there was only one . . . older white lady there." Her interactions with people of other races "mostly [occurred] at school."[51]

Similarly, a white Ingraham (Seattle) graduate reflected on the degree to which he learned, in high school, to dismiss racial stereotypes and noted that "I would have had no other way of knowing. I wouldn't have had any, any interaction. . . . [T]he whole north end of the city, even now, is still probably way more white than it is anything else."[52] An Asian American classmate also observed:

> I lived in a very white community and I had Asian American friends that lived in the south end, so I really probably would not have known that many black people. And ironically, my closest friends at my own high school, I'd say, were three-quarters black and one-quarter white.[53]

A white graduate from Shaker Heights (Ohio) explained why the school setting in particular was the right environment to learn these lessons:

> When you're in school, you have a group of 2000, 3000, 1000, 500, whatever it is of people you . . . come into more intimate contact with. There are levels of intimacy and you're not friends with or enemies with everybody, and some people you probably ignored and had very little to do with but . . . you have more intimate levels of contact

---

[50] Interview by Amy Stuart Wells with Subject No. 3 (Aug. 22, 2006) (transcript on file with Wells).

[51] Interview by Terrenda White with Subject No. 5 (Sept. 12, 2006) (transcript on file with Wells).

[52] Interview by Amy Stuart Wells with Subject No. 31 (Aug. 31, 2006) (transcript on file with Wells).

[53] Interview by Jacquelyn Duran with Subject No. 37 (Sept. 8, 2006) (transcript on file with Wells).

with a more diverse group than you normally would.[54]

Interviewees noted many moments when students came together across racial lines to support their schools – exactly as Allport envisioned.[55] An African American John Muir (California) graduate remembered pep rallies as the kind of all-school experience in which students bonded across racial lines. He recalled one such rally when a white athlete "cross[ed] the lines" and danced with the black athletes. "[P]eople got together and it wasn't a big deal . . . and people laughed."[56]

Lessons That Others Did Not Learn. Seattle/Louisville interviewees were quick to identify profound differences between their own racial attitudes and those of their family members and peers who did not attend integrated schools.[57] One white Ingraham graduate noted that her parents, while not "racist in any way," lacked the life experiences she had obtained through school, and they were far less comfortable than she was in settings with many people of color: "[I]f I ask my mom to drive south of the major freeway [into predominantly non-white areas], she freaks

---

[54] WELLS ET AL., *supra* note 14 (manuscript at 234).

[55] *See supra* text accompanying notes 7-13.

[56] WELLS ET AL., *supra* note 14 (manuscript at 239).

[57] As discussed above, *see supra* note 37, some critics of long-term effects research argue that its findings are marred by self-selection bias: Those students whose families did not flee desegregation are predisposed to positive racial attitudes because of personal and family characteristics, not their school experiences. This *might* be the case in some instances – e.g., Shaker Heights, Ohio, where *some* white families moved because of the diversity of the community, but it would not be true in districts such as those in Charlotte, Louisville, and Pasadena, where many parents adamantly opposed integration and would have put their children in private schools if they could have done so. Moreover, there is very little empirical data to back up one premise of this criticism – that families, particularly African American families, could and did choose to live in integrated environments in the era of desegregation. *See supra* notes 10-11. These studies provide a further rebuttal: Graduates reported that their racial attitudes were more positive than other family members' attitudes, suggesting that, while family environment undoubtedly affects the racial attitudes of children, an integrated school setting is an important indicator of future attitudes regarding race.

out." And her white husband was not exposed to people of other races until he joined the Navy, where he "put his foot in his mouth several times and got in trouble" because he lacked a "roadmap" for how to deal with non-whites.[58]

A white Louisville Male graduate compared his experiences with those of his wife, who had attended all-white private schools as a child:

> When we first got married, she was scared to go downtown, and she still is .... [I]t's not that she's prejudiced against black people, but they're just different, and ... she doesn't know how to handle it .... I walk down any street downtown, and I feel fine because I know that they're just different people ....[59]

An African American graduate of Franklin High in Seattle similarly commented that attending integrated public schools allowed her to have an open mind, "[w]hereas I know some people who are African American, they just don't feel comfortable if they were going into a situation where there were all Asians."[60]

The first Wells et al. study yielded similar comparisons. For instance, a white Austin High graduate married a woman who had attended an all-white school. This graduate said he was continually surprised by his wife's anxiety in racially diverse settings. "I remember feeling I'm so glad I went to Austin High ...."[61]

2. Graduates' Intergroup Skills Carry over into the Workplace, Benefiting Both Graduates and Their Employers.

Graduates uniformly reported that integrated education better prepared them for living and working in an

---

[58] Interview by Amy Stuart Wells with Subject No. 36 (Sept. 9, 2006) (transcript on file with Wells).

[59] Interview by Amy Stuart Wells with Subject No. 17 (Aug. 22, 2006) (transcript on file with Wells).

[60] Interview by Amy Stuart Wells with Subject No. 23 (Sept. 17, 2006) (transcript on file with Wells).

[61] WELLS ET AL., *supra* note 14 (manuscript at 262).

increasingly diverse American society and global economy. Indeed, subjects drew on their intergroup skills, honed during their K-12 years, more heavily for their occupations than for any other aspect of their lives.

Many interviewees expressed a belief that early interracial interactions, by changing students' worldviews, had shaped the very direction of their careers. METCO graduates, for example, could tap into powerful social networks in their suburban schools, giving them access to more opportunities through the college application process and occupational networking.[62] And one white Garfield (Seattle) graduate said that her high school experience influenced her decision to become a social worker – and made her more effective in her job:

> I think it impacted what I chose and I also think that because as a social worker, I've worked with a lot of African American families, I felt like that was an easier adjustment to me than [for] a lot of my colleagues. It felt comfortable and I sort of understood the culture in a different way than people who just maybe had read about working with African Americans . . . .[63]

Intergroup skills were especially important for those who worked for global corporations and whose day-to-day job responsibilities required interaction with people of disparate backgrounds. In the Wells et al. study, one white Shaker Heights (Ohio) graduate, who now helps run an international business, attributed his ability to connect with people all over the world to his experience in an integrated public school. "I don't think that the atmosphere of Shaker has gone away . . . ." Rather, he carries that experience with him as he works with international clients; he is open to "other places and people and to speaking other languages [because of] Shaker."[64]

---

[62] EATON, *supra* note 14, at 138-43.

[63] Interview by Jacquelyn Duran with Subject No. 26 (Sept. 15, 2006) (transcript on file with Wells).

[64] WELLS ET AL., *supra* note 14 (manuscript at 254).

Similarly, an African American graduate from Dwight Morrow (New Jersey) High School explained that attending desegregated schools shaped her ability to move in different circles of people. "I'm not limited .... [W]hen I walk into a place, I can speak the same King's English, ... and I can speak to my friends on a different level." Her ease in multiracial interactions has aided her career: "I don't get nervous when I'm dealing with someone who is a CEO of a company [just] because his experiences and my experiences are so different.... I've been around certain things that have afforded me a certain confidence."[65]

Seattle/Louisville interviewees also found their intergroup skills crucial for success in the workplace. A white graduate of Seattle's Franklin High School explained that his job required him to supervise workers in sixty different countries: "[I]t's a whole different cultural difference beyond ... the ethnic differences of Americans." Franklin, with its mix of Asians, blacks and whites, provided a "step down that path of being comfortable with people of a variety of races."[66] Similarly, an African American female graduate of predominantly white Ingraham High School in Seattle noted that, as an employee:

> You have to be able to navigate different situations .... [Y]ou have to be able to be understood by different cultures. You can't ... only speak your language .... You have to be able to move in and out, if you're going to be in any type of corporate America or any hospital setting, anywhere, where there's someone other than all black.[67]

These effects on graduates' workplace effectiveness have significant policy implications, for they suggest that positive steps to promote integration at the K-12 level might help reduce the need for more drastic measures such as affirmative action later in life. The Court recently

---

[65] *Id.* (manuscript at 256).

[66] Interview by Amy Stuart Wells with Subject No. 22 (Sept. 14, 2006) (transcript on file with Wells).

[67] Interview by Terrenda White with Subject No. 41 (Sept. 13, 2006) (transcript on file with Wells).

stated that "racial preferences," at least in the university admissions context, should be unnecessary in twenty-five years. *Grutter*, 539 U.S. at 343. To the extent that the same goal applies to affirmative action in the workplace, local efforts to promote K-12 integration, and thereby improve the life chances and job effectiveness of students, are consistent with this objective.

3. Exposure to Integration at the K-12 Level Is Critical.

The studies highlight the importance of *early* experiences with integrated education. Seattle and Louisville interviewees stated – some quite forcefully – that it was critical that they experienced interracial interactions as school-age children. As one African American Ingraham (Seattle) graduate explained, "to have a racially balanced make-up and life in your formative years is key to success in society as a whole."[68] A white Louisville Male graduate noted that "it's easier for kids to experience the diversity and accept it than it is to throw them in after they're twenty, twenty-five years old and say, 'Here you are! Now everybody's different, now deal with it.'"[69] An African American Franklin graduate went further: "[E]xposing kids when they're young before they have the preconceived notions that we all develop as we get older . . . would be a great thing and definitely something that I would advocate."[70]

The Franklin interviewee who supervised employees in sixty countries expressed his belief that integrated education is "very valuable . . . because the country's not getting any less diverse . . . . If you want your child to be a leader in the world some day, they have to have those experiences."[71] And as another African American graduate

---

[68] Interview by Jacquelyn Duran with Subject No. 34 (Sept. 7, 2006) (transcript on file with Wells).

[69] Interview with Subject No. 17, *supra* note 59.

[70] Interview with Subject No. 23, *supra* note 60.

[71] Interview with Subject No. 22, *supra* note 66.

of Fern Creek said regarding her son's schooling, "There's a mixture, and that's what they need. If you don't have that in a school, then that person is setting [herself] up for the fall .... [T]hey're not learning to cope or deal with people in the long run."[72]

Consistent with this finding, the vast majority of Louisville and Seattle interviewees had enrolled their children in integrated schools or hoped to do so, a telling result given that they knew firsthand the challenges and benefits of the experience. This result is consistent with survey research showing that the vast majority of parents – regardless of race – say that it is either very or somewhat important for their children to attend racially diverse public schools.[73] Graduates of integrated public schools tend to favor integrated schooling for their own children with even greater conviction, even when it is not an option in their school districts, due to their own life experiences.[74] One white Dwight Morrow (New Jersey) graduate observed:

> I would love that same sort of environment [for my children] because I think that I learned something there that you can't teach anybody .... I just learned a lot by being around so many different kinds of people.... You learn something different from them without them teaching it to you in a book or writing it down, you just absorb so many different things.[75]

Echoing Allport's writings half a century earlier, a Shaker Heights (Ohio) graduate stated that interaction with people of other races on a day-to-day basis was critical: "You couldn't have taught [intergroup skills] in a

---

[72] Interview by Amy Stuart Wells with Subject No. 8 (Sept. 10, 2006) (transcript on file with Wells).

[73] *See* STEVE FARKAS & JEAN JOHNSON, TIME TO MOVE ON: AFRICAN-AMERICAN AND WHITE PARENTS SET AN AGENDA FOR PUBLIC SCHOOLS 25 (1998).

[74] *See* WELLS ET AL., *supra* note 14 (manuscript at 325).

[75] *Id.* (manuscript at 251).

debriefing sessions from adults . . . trying to get into the mind of [] sixteen-year-old[s].[76] And a graduate of John Muir (California) High School who is of both white and Indian descent said that, while he faced some interracial conflict during his high school days, learning about race at a young age was vital:

> I found [John Muir] maybe a little bit harder than somewhere else, but I also knew that it was teaching me life lessons that no college can teach you. And those are invaluable. I know a lot of people who do a lot of college work and they test really well, but you put them out in the real world and . . . they can't make it.[77]

Graduates of integrated schools also questioned the wisdom of placing children in racially homogeneous school settings. In the Seattle/Louisville study, the comments of one Louisville Male graduate were emblematic of the interviews as a whole. He would be "uncomfortable" if his children were in an all-white school. "I want them to realize that there . . . are different people . . . . I want them to realize that everybody doesn't think alike, and everybody doesn't do things the exact same way . . . ." He continued: "I don't want them to grow up to think that . . . if you don't think like me, then you're not worth talking to . . . ."[78] Another interviewee, the Garfield graduate who is now a social worker, moved from a predominantly white neighborhood to a more racially diverse neighborhood specifically "so that [her daughter] could grow up in that environment."[79]

As an African American Ingraham graduate explained:

> I would like my child to have a real view of what the world is – the world is not really made of one race. . . . I have friends whose kids do go to predominantly black schools and . . . they're not

---

[76] *Id.*; *see also* text accompanying notes 7-13.

[77] WELLS ET AL., *supra* note 14 (manuscript at 251).

[78] Interview with Subject No. 17, *supra* note 59.

[79] Interview with Subject No. 26, *supra* note 63.

> really used to being around other people of other races or other cultures, and they're not being exposed to a whole lot. I think it makes for a more well-rounded child when they are exposed to different cultures.[80]

4. Despite the Difficulties of Attending an Integrated School, Graduates Overwhelmingly Agreed That the Experience Was "Worth It."

Finally, it should be noted that these graduates' experiences in integrated schools were not always easy or ideal. Many interviewees experienced logistical challenges in attending a school far from home, occasional racial tensions at school or some degree of resegregation across classrooms due to tracking practices. But despite these personal hardships and sacrifices, the overwhelming majority of interviewees in all three studies indicated that the benefits of integration were worth the costs. Only four out of the sixty-five METCO students – six percent – said that they would not repeat their experiences if given the chance.[81]

The Wells et al. interviewees uniformly noted that as adults they were better able to appreciate the value of their experiences despite (and sometimes because of) the challenges they experienced. One white graduate of West Charlotte (North Carolina) High School explained:

> The things that I learned at West Charlotte I have carried with me. . . . [H]onestly it taught me not to judge people until I get to know [them]. That has been one of the best lessons I think I ever learned and I've carried that through and I definitely learned that at West Charlotte.[82]

---

[80] Interview by Terrenda White with Subject No. 33 (Sept. 7, 2006) (transcript on file with Wells).

[81] EATON, *supra* note 14, at 21.

[82] WELLS ET AL., *supra* note 14 (manuscript at 245).

Recalling Braddock's perpetuation theory,[83] an African American male graduate from Dwight Morrow High School said that his experience in high school gave him a confidence in racially diverse settings that he may not have otherwise gained:

> Today I would say that it makes me feel comfortable, that I can go anywhere and not feel intimidated, I just always feel like I belong and it didn't matter who was in the majority or minority, that I knew how to deal with all of them. . . . It definitely gave me the confidence to know that it didn't matter, people were people, and I could just interact.[84]

From the other side of the color line, a white Austin High School graduate argued that attending an integrated high school was one of the best things that ever happened to him. He echoed the vast majority of his classmates – at Austin High and across the country: "[G]rowing up in a racially integrated school I think was invaluable for me. [I]t helped my people skills. It gave me the ability to relate to just about any person . . . and to be sincere, not putting on an act . . . I can't put enough value on it."[85]

CONCLUSION

Decades of social science research demonstrate the profound, lifelong impact integrated education has on the "hearts and minds" of students, *Brown*, 347 U.S. at 494, and underscore its compelling importance to America's multiethnic society and continuing economic vitality. In view of these benefits, it is hard to dispute one Seattle interviewee's conclusion that diversity in K-12 education "needs to be promoted across the board in every city in every state as much as possible." As the Court has recognized, *see*

---

[83] *See supra* text accompanying notes 19-21 (discussing hypothesis that segregated groups will avoid integrated settings because of concerns about coping with hostility or tension).

[84] WELLS ET AL., *supra* note 14 (manuscript at 267).

[85] *Id.* (manuscript at 253).

Swann, 402 U.S. at 16, local school districts can take positive steps to ensure an integrated environment for students. The data, drawn from the life experiences of those who have lived and learned in integrated schools, confirm that these efforts are supported by a compelling interest. In the words of one Garfield (Seattle) graduate:

> [I]f the government can do anything, that's the one thing they have to do, is create always a diverse society, and have people of different backgrounds learn together, because obviously we don't get along with certain religions and obviously we don't get along with certain colors because we're not diverse, we don't really understand things about other people, and it's just kind of tragic . . . . I think growing up in Seattle, going through the educational system, that idea of being exposed to all these different groups, it's just been the best lesson I've ever learned in my life.[86]

The Seattle and Louisville school districts have a compelling interest in maintaining integration in their K-12 schools. The Court should affirm the judgments below.

Respectfully submitted,

KENNETH D. HEATH
Counsel of Record
GREGORY M. MCLAUGHLIN
ROBERT G. HUELIN
WIGGIN AND DANA LLP
One Century Tower
P.O. Box 1832
New Haven, CT 06508-1832
(203) 498-4400

Counsel for Amici Curiae

---

[86] Interview with Subject No. 29, *supra* note 47.

APPENDIX

Amy Stuart Wells is Professor of Sociology and Education in the Department of Human Development at Teachers College, Columbia University, where she also serves as the Deputy Director for Research of the Campaign for Educational Equity. The Campaign seeks to promote excellence in education and to overcome the gap in educational access and achievement between advantaged and disadvantaged students throughout the United States. Dr. Wells received her Bachelor of Arts from Southern Methodist University in 1984, a Master of Science in journalism from Boston University in 1986, and her Ph.D. in sociology of education from Columbia University in 1991. She was a professor in educational policy at the University of California, Los Angeles from 1991 through 2001, when she returned to Teachers College. She served as the Editor of the *Teachers College Record* from 2001 to 2005. In addition to the *Record*, Dr. Wells has served on the editorial boards of numerous journals, including the *American Educational Research Journal*, the *Review of Educational Research* and *Educational Evaluation and Policy Analysis*. Dr. Wells is a member of the American Sociological Association and the American Educational Research Association. She is a former member of the Board of Directors of the Education Writers Association, where she served as Vice President from 1995-97. For the academic year 2007-08, she will be an Invited Fellow at the Center for the Advanced Study of the Behavioral Sciences in Stanford, California. In 2001-02, Dr. Wells was a Carnegie Corporation Scholar, and in 1999-2000 she was a Visiting Scholar at the Russell Sage Foundation. Dr. Wells' scholarly interest, broadly defined, is the sociology of race and education; more specifically, her research examines the relationship between educational equity and policies such as school desegregation and school choice

policies, including charter schools. Her many authored and co-authored publications in these areas include: BOTH SIDES NOW: THE STORY OF DESEGREGATION'S GRADUATES (Harvard Univ. Press, forthcoming spring 2007); STEPPING OVER THE COLOR LINE (1997); *Where School Desegregation and School Choice Policies Collide: Voluntary Transfer Plans and Controlled Choice*, *in* SCHOOL CHOICE AND DIVERSITY: WHAT THE EVIDENCE SAYS 59 (Janelle T. Scott ed., 2005); *Against the Tide: Desegregated High Schools and Their 1980 Graduates*, 85 PHI DELTA KAPPAN 670 (2004); and *Perpetuation Theory and the Long-Term Effects of School Desegregation*, 64 REV. EDUC. RES. 531 (1994).

Jomills Henry Braddock II is Professor of Sociology at the University of Miami, where he also serves as the Director of the Center for Research on Sports in Society. He chaired the University's Sociology Department from 1992 through 1999. He received his Bachelor of Arts in psychology and sociology from Jacksonville University in 1969, and his Master of Science and Ph.D. in sociology in 1971 and 1973, respectively, from Florida State University. Before moving to the University of Miami, Dr. Braddock served on the faculties of Florida State, the University of Maryland and Johns Hopkins University. In 1999, Secretary of Education Richard Riley appointed him to the National Research Policies and Priorities Board of the Department's Office of Educational Research and Improvement, on which he served until 2005. He also served as a member of the Board on Children and Families of the National Research Council of the National Academy of Sciences from 1992 through 1995. He is a member of the American Sociological Association, the American Educational Research Association, the Association of Black

Sociologists, the Southern Sociological Society and the Eastern Sociological Society. Dr. Braddock also has served on the editorial boards of, among other journals, the *Review of Educational Research*, the *Journal of Social and Behavioral Sciences* and *Phi Delta Kappan*. Dr. Braddock has conducted extensive research and written widely on the effects of school desegregation. These authored and co-authored publications include, among many others: *The Effects of School Desegregation, in* HANDBOOK OF RESEARCH ON MULTICULTURAL EDUCATION (J. Banks & C.M. Banks eds., 2d ed. 2004); *The Continuing Significance of Desegregation: School Racial Composition and African American Inclusion in American Society*, 63 J. NEGRO EDUC. 394 (1994); *Why Desegregate? The Effect of School Desegregation on Adult Occupational Desegregation of African Americans, Whites and Hispanics*, 31 INT'L J. CONTEMP. SOC. 273 (1994); *A Long-Term View of School Desegregation: Some Recent Studies of Graduates as Adults*, 66 PHI DELTA KAPPAN 259 (1984); *The Perpetuation of Segregation Across Levels of Education: A Behavioral Assessment of the Contact Hypothesis*, 53 SOC. EDUC. 178 (1980); and *Assessing School Desegregation Effects: New Directions in Research, in* RESEARCH IN SOCIOLOGY OF EDUCATION AND SOCIALIZATION 209 (R. Corwin ed., 1980).

Linda Darling-Hammond is Charles E. Ducommun Professor of Education at the Stanford University School of Education, where she serves as principal investigator for the School Redesign Network and the Stanford Educational Leadership Institute. She received her Bachelor of Arts *magna cum laude* from Yale University in 1973, and her Ed.D. with highest distinction in urban education from Temple University in 1978. Before coming to Stanford, Dr. Darling-Hammond, among other things, served on the

faculty at Teachers College, Columbia University, and as Director and Senior Social Scientist of the Education and Human Resources Program at the RAND Corporation. She is a member of the National Academy of Education and a former member of its executive board, and she is a member and former president of the American Educational Research Association. She has served on the editorial boards of numerous journals, including *Teacher Education Quarterly*, the *American Educational Research Journal*, *Phi Delta Kappan*, *Educational Evaluation and Policy Analysis*, the *Harvard Education Letter* and the *Review of Research in Education*. Her research, teaching and policy work focuses on educational policy, teaching and teacher education, school restructuring and educational equity. She was the founding executive director of the National Commission on Teaching and America's Future, which produced a widely cited blueprint for education reform, WHAT MATTERS MOST: TEACHING FOR AMERICA'S FUTURE (1996). Among her more than 200 publications is *The Right To Learn*, recipient of the 1998 Outstanding Book Award from the American Educational Research Association, and *Teaching as the Learning Profession*, awarded the National Staff Development Council's Outstanding Book Award in 2000. She began her career as a public school teacher and has co-founded several schools, including a charter high school in East Palo Alto, California.

Jay P. Heubert is Professor of Law and Education at Teachers College, Columbia University, and Adjunct Professor of Law at Columbia Law School. Since 1998, he has served as Faculty Chair of Teachers College's School Law Institute, a national professional education program, and since 2005 he has served as Faculty Advisor to Teachers College's Cahn Fellows Program for Distinguished

New York City Principals. He received his Bachelor of Arts from Swarthmore College in 1973, and his Master of Arts in Teaching from Duke University in 1974. In 1980, he received his J.D. *cum laude* from Harvard Law School, and he obtained his Doctorate in Education from Harvard University in 1982. For thirteen years before coming to Teachers College, Dr. Heubert, among other things, served on the faculty of Harvard Law School and Harvard's Graduate School of Education, which awarded him its Alumni Award for outstanding contributions to education in 2001. From 1980 to 1985, Dr. Heubert was a trial attorney in the Civil Rights Division of the U.S. Department of Justice, where he litigated K-12 and higher education desegregation cases; he received a Special Commendation from the Attorney General in 1983. He also served as Chief Counsel to the Pennsylvania Department of Education from 1988-89. Dr. Heubert is a member of the American Educational Research Association, the Education Law Association and the Massachusetts bar. He has served on the editorial or advisory boards of numerous journals, including the *American Journal of Education*, the *Journal on Law and Education* and the *Harvard Education Letter*. His scholarly interests include equal educational opportunity and other legal issues in education. He was the editor of and a contributing author to LAW AND SCHOOL REFORM: SIX STRATEGIES FOR PROMOTING EDUCATIONAL EQUITY (1999), which was a Critics' Choice Selection of the American Educational Studies Association. His other publications, authored and co-authored, include: HIGH STAKES: TESTING FOR TRACKING, PROMOTION, AND GRADUATION (1999), a congressionally mandated study conducted by the National Academy of Sciences; *High-Stakes Testing, Nationally and in the South*, *in* SCHOOL RESEGREGATION: MUST THE SOUTH TURN BACK? 212 (Christopher Edley et

al. eds., 2005); *The More We Get Together: Improving Collaboration Between Educators and Their Lawyers*, 67 HARV. EDUC. REV. 531 (1997); and *Schools Without Rules? Charter Schools, Federal Disability Law, and the Paradoxes of Deregulation*, 32 HARV. C.R.-C.L. LAW REV. 301 (1997).

Jeannie Oakes is Presidential Professor in Educational Equity at the Graduate School of Education and Information Studies at the University of California, Los Angeles. She is the Director of UCLA's Institute for Democracy, Education and Access (IDEA), a network of scholars, students, youth and school and public agency professionals devoted to making high-quality public schooling and successful college participation routine experiences for low-income minority students. Dr. Oakes also directs the University of California's All-Campus Consortium on Research for Diversity (UC ACCORD), a system-wide institute engaged in research on equity and college access in post-affirmative action California. She received her Bachelor of Arts from San Diego State University in 1964, a Master of Arts in American Studies from California State University, Los Angeles, in 1969, and her Ph.D. in education from UCLA in 1980. Dr. Oakes is a member of the National Academy of Education and the American Educational Research Association (AERA). She has served as an editor or advisor for, among other journals, the *American Educational Research Journal*, *Education Researcher*, the *Review of Education Research* and the *American Journal of Education*. She also served on the advisory boards for AERA's *Encyclopedia of Educational Research* and *Handbook of Research in Curriculum*. Dr. Oakes' research focuses on elementary and secondary school policies and practices, particularly the effect of ability and curriculum tracking on the learning opportunities of

low-ability, poor and minority students. Her 1985 book on the subject, *Keeping Track: How Schools Structure Inequality*, was named by the American School Board Journal as one of the ten "Must-Read Books" of the year, and the University of South Carolina Museum of Education selected it for its Books of the Century Exhibition in 1999-2000. Her many other works include: TEACHING TO CHANGE THE WORLD (1999), which won a Critic's Choice Award from the American Educational Studies Association; and BECOMING GOOD AMERICAN SCHOOLS: THE STRUGGLE FOR CIVIC VIRTUE IN EDUCATIONAL REFORM (2000), which won AERA's Outstanding Book Award for 2001.

Michael A. Rebell is Professor of Law and Educational Practice at Teachers College, Columbia University, where he also serves as Executive Director of the Campaign for Educational Equity. The Campaign seeks to promote excellence in education and to overcome the gap in educational access and achievement between advantaged and disadvantaged students throughout the United States. Prof. Rebell is a graduate of Harvard College and Yale Law School. He is an experienced litigator, administrator, researcher and scholar in the field of education law. He served as plaintiff's counsel in, among numerous other education-related cases, *Campaign for Fiscal Equity, Inc. v. State of New York*, 86 N.Y.2d 307 (1995), and 100 N.Y.2d 893 (2003), in which the New York Court of Appeals held that the state's constitution entitled all children to the "opportunity for a sound basic education" and ordered the state to reform its education finance system to meet that constitutional requirement. He has taught courses on law and education for many years at Teachers College, Columbia Law School and Yale Law School. His publications

include: EQUALITY AND EDUCATION (1985); EDUCATIONAL POLICY MAKING AND THE COURTS: AN EMPIRICAL STUDY OF JUDICIAL ACTIVISM (1982); *Education Adequacy, Democracy and the Courts*, *in* ACHIEVING HIGH EDUCATIONAL STANDARDS FOR ALL (Christopher Edley et al. eds., 2002); and *Adequacy Litigation: A New Path to Equity*, *in* BRINGING EQUITY BACK: RESEARCH FOR A NEW ERA IN AMERICAN EDUCATIONAL POLICY (Janice Petrovich & Amy Stuart Wells eds., 2005).